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LESZYNSKY'S 'SADDUZÄER'

Die Sadduzäer. Von RUDOLF LESZYNSKY. Berlin: MAYER UND MÜLLER, 1912, pp. 309 + iv.

THE aim of this work is to refute the view of Geiger, now generally accepted, that the Sadducees were an aristocratic party consisting of priests, descendants of Zaddok, whose family had exercised priestly functions since the time of king Solomon (hence the name צדוקים). Josephus (*Ant.*, XIII, 10, 6; XVIII, 1, 4) tells us that the Sadducees represented the nobility, power, and wealth of the nation, and were accordingly interested mainly in the affairs of the State, jealously guarding their ancient prerogatives, and opposing all innovations and changes. The faithlessness of many of them in the early part of the second century B.C. brought about the formation of the Pharisaic party. The Pharisees strove to make the Law a common property of all the people, and consulted the requirements of the time in their interpretation of the Law. This difference of purpose and aspiration between the worldly priest-aristocrats and the progressive lay-teachers, who were of the people and stood for the people, widened with time, and led to many disagreements in matters of religious belief and practice.

Leszynsky champions the view of mediaeval Jewish scholars that the distinctive feature of Sadduceeism was its rejection of the Oral Law. According to this view, the Sadducees were not a party but a sect. They were intensely religious, as pious and strict in the observance of the Biblical laws as were their opponents, the Pharisees. The rejection of the entire traditional interpretation of the Biblical laws and of the development of the Law during the course of centuries was their fundamental principle, and accounts for all the differences between them and the Pharisees. In short, they were the Karaites of the ancient days. Josephus

(*Ant.*, XIII, 10, 6; XVIII, 1, 4), indeed, mentions the rejection of all tradition, even that of their own teachers, as one of the features of the Sadducees, and so does the Talmud. The Sadducees, Leszynsky contends, believed in the immortality of the soul (Josephus, *Ant.*, XVIII, 1, 4, notwithstanding), and in the existence of angels and spirits (Acts 23. 8 notwithstanding), since they are mentioned in the Bible. Nor did they deny Providence. What Josephus means by his statement, that the Sadducees denied the interference of God in human affairs (*Ant.*, XVIII, 5, 9; *Wars*, II, 8, 14), is that they rejected the duty and did not believe in the efficacy of prayer, as it is not mentioned in the Bible (pp. 20 ff.). Until the time of the Maccabees there was no separate class devoted to the study and exposition of the Law. The priests were its keepers and administrators. But when patriotism and religion combined and crushed the Hellenistic movement, the study of the Law and its development received new impetus. The customs which grew up among the people, hallowed by time, were now endowed with the sanctity of laws, but were rejected by the Sadducees, who, as the ancient keepers of the law, knew their late origin.

Leszynsky believes that the *Fragments of a Zadokite Work*, discovered and published by the late Professor S. Schechter, is of Sadducean origin. His superficial examination of the Halakah contained in the *Fragments* (pp. 143 ff.) reveals no agreements with views known to us to have been held by the Sadducees. Even the Sabbath laws of the *Fragments* which deviate from Tradition are not Sadducean. Strict Sabbatarianism is the property of all Jewish sects. Our author, however, concludes, on the basis of an unnecessary emendation,¹ that the Zadokite sect prohibited cohabitation and *לעשות צרכיו* on Sabbath, and tries to prove by it the Sadducean origin of the *Fragments* (pp. 147-9). But granting the author's conclusion, what proof has he that the Sadducees prohibited cohabitation and *לעשות צרכיו* on the Sabbath? The author also fails to prove his contention (pp. 48-51, 113) that

¹ For correct interpretation of this passage see Ginzberg, *MGWJ.*, LV, 546-9.

the Zadokite sect and the Sadducees rejected the law of vow-annulment (p. 16, line 8, of the *Fragments* refers most likely to שבועה, which also, according to בית שמאי, cannot be annulled; Nedarim 28 a).² Leszynsky errs also in his assertion that שמעון הצדיק did not favour the making of vows (p. 49; see also Geiger, *Urschrift*, 31-2; Weiss, *Dor*, I, 81); לא אכלתי surely refers to נייר טמא only, since אשם is offered in case of שנתמא (Num. 6. 12). Nor is there any indication that the Zadokite sect prohibited the taking of oaths, as our author claims (pp. 156-7). Even the Essenes refrained only from oaths wherein the Holy Name is employed (Josephus, *Wars*, II, 8, 6). The author is also wrong in his assertion (pp. 76-7, 216-17, 240) that the Sadducees, like the early Samaritans, referred the law of levirate marriage to the betrothed only. See Revel, *Karaite Halakah*, 38.³ That the Sadducees extended their literalism to *lex talionis*, as our author believes (pp. 80, 240), is very unlikely. The sources know nothing about it, except the Scholion of Megillat Taanit (chap. 4), but Geiger (*Urschrift*, 148), Rapaport (דברי שלום ואמת, 15), and Wellhausen (*Die Sadduzäer u. Phariseer*, Griefswald, 1874, 62) rightly deny to this report any historical basis. See also *Karaite Halakah* (pp. 56-7). Nor is it likely that the Sadducees of Book of Jubilees prohibited cohabitation during ימי טהרה of יולדת (pp. 74, 215). See Wreschner, *Samaritanische Traditionen*, 34; Schwartz, *Die Controversen der Schammaiten u. Hilleliten*, 94; *id.*, *Moses b. Maimon*, I, 354.⁴ That the Sadducees, like the

² The limitation imposed by the sect on the right of father and husband to annul vows agrees with tradition. See Nedarim 11, 1, and Sifra *ad loc.* דברים שבינו לבינה (p. 16, 1, 11) most likely refers to אש לעבור ברית הוא.

³ The statement of Book of Jubilees quoted by the author (p. 217) proves nothing. It is an attempt to account for God's wrath against Er; see Ps-Jon, Gen. 38. 7, and the *Testament of the Twelve Patriarchs*, Judah 10. 2-3, and Yebamot 34 b.

⁴ Book of Jubilees 3. 10-15 attempts to explain the law of Lev. 2. 2-15, and from ver. 13 the opposite may be inferred, namely, that the Book of Jubilees, like Tradition, considers the יולדת during ימי טהרה as a מבוול יום. Moreover, if the difference between the Pharisees and Sadducees on the laws of Niddah (Niddah 4. 2; Tosefta, *ibid.* 5. 2) was concerning ימי טהרה, the

Zadokite Fragments, prohibited polygamy (pp. 144–245), is nowhere mentioned. The Karaites, the spiritual heirs of the Sadducees according to Leszynsky, did not prohibit polygamy, but restricted it to the extent that the marriage to the second wife must not interfere with the duties to the first wife. See *Karaite Halakah*, 46.⁵ Leszynsky is also mistaken in his assertion that the Zadokite sect prohibits the use of honey (pp. 38 ff.). He overlooked (p. 40) Judg. 14. 8, 9, where רִבִּשׁ surely means ‘bee-honey’. Even the Karaites, many of whom prohibit the use of eggs, as יִוצֵא מִן הָחַי (Haddasi אב"כ, Alph. 232, 308), permit the use of honey; see Anan, סֵפֶר הַמִּצְוֹת, ed. Harkavy, 3. The several parallels pointed out by the author between the practices of the Zadokite sect and that of the Essenes (pp. 148, 150, 153, 155–9) are interesting. Our meagre knowledge about the Essenes makes it impossible to be certain about anything concerning them. In fact, the only objection to the Essene origin of the *Zadokite Fragments* (and there is much for it) is that they offered animal sacrifices (see Charles, *Apocrypha and Pseudepigrapha*, II, 790); but the Essenes themselves most likely did not altogether reject animal offerings (see Schürer, *Geschichte*, II⁴, 663, 674; Leszynsky, *ibid.*, 150). But what the author does not make clear is how these parallels support his view that the *Fragments* are of *Sadducean* origin. Our author also points out, in proof of his theory of the Sadducean origin of the *Fragments*, that among this sect the priests were exalted, and that the Messiah was expected to be ‘of Aaron and Israel’. The exclusive position of the priests in this sect is, however, merely a presumption. The regard for them may have been due to the fact that they were among the founders of the sect (1, 7; 4, 2–3; 6, 2–3), and perhaps they were also the majority of the emigrants to Damascus.

Sadducees holding to the stricter view (pp. 73–4), why did the high priest (Tos., *ibid.* 5, 3; b, *ibid.* 33 b; quoted by Leszynsky, p. 73) fear that he might become unclean by contact with the Sadducean woman?

⁵ Nor is it likely that the Book of Jubilees prohibited polygamy, as our author thinks (p. 215). Book of Jubilees 19. 11 attempts to explain why Abraham did not take Hagar back. See B. Beer, *Leben Abrahams*, Leipzig, 1859, 83 and 198, n. 9, 904.

Our author establishes the rule that all apocryphal and pseudepigraphical works in which (1) the priests are exalted and the Messiah is expected to be from priestly lineage, (2) in which the resurrection of the body is rejected, or (3) in which anti-rabbinic laws are found, are Sadducean works (p. 169). Ecclesiastes, in which resurrection is denied (3, 18 ff.), is, therefore, a Sadducean work (171 ff.; see also Grätz, *Kohleth*, 1871, 30); so also is Ecclesiasticus, since it makes no mention of resurrection (172 ff.; see Geiger, *ZDMG.*, XII, 536). The author of 1 Macc. was also a Sadducee (175 ff.; so also Geiger, *Urschrift*, 206 ff.).

By the magic of this rule most of the Apocrypha and Pseudepigrapha are converted by our author into Sadducean works. The Book of Jubilees, the keynote of which is the supremacy and everlastingness of the Law and the duty of its scrupulous observance, and which contains a developed angelology and demonology, is, according to our author (pp. 179-237), the work of a Sadducee, its purpose being the advocacy of a change from a lunar to a solar year (pp. 190 ff.). The calendar of the Book of Jubilees is a problem still unsolved. Epstein (*REJ.*, XXII, 10 ff.) has shown that it presupposes a civil and an ecclesiastical year of 364 days. Our author believes that the year according to the Book of Jubilees consisted of fifty-two weeks divided into twelve months, eight of which consisted of four weeks and four of five weeks each. By this Leszynsky proves that the Book of Jubilees is of Sadducean origin. But granted that the calendar of the Book of Jubilees is a solar one, what proof is there that the Sadducees ever advocated a solar calendar? See Poznański, *REJ.*, L (1905), 19-20.

The Book of Jubilees deviates from Tradition in the interpretation of several Biblical laws, particularly in that of Sabbath and paschal lamb. But in order to prove by these deviations from Tradition the Sadducean authorship of the Book of Jubilees, as our author does, is it not necessary to show that the Sadducees held views similar to these laws of the Book of Jubilees in order to prove by the anti-rabbinic laws of the Book of Jubilees its Sadducean origin? This our author fails to do. In general, anti-rabbinic

laws in Jewish works of the Greek and Roman period do not necessarily imply Sadducean authorship. Pharisaic Judaism of that time was not entirely uniform and of one opinion on all minor questions of religious practice. At that time there was Alexandrian Jewry with its Onias Temple and its own ritual, and there were the Essenes. The Essene origin of Book of Jubilees is not unlikely. See Jellinek, *Ueber das Buch der Jubiläen*, 1855; A. Epstein, מדרש תרשא, IX-XI.

The following may be given in illustration of our author's mode of argumentation and of reasoning in a circle.

Book of Jubilees fails to mention the law of אכילת מרור on Passover night (Exod. 12. 8), nor is it mentioned in the last Passover supper of Jesus. The Sadducean interpretation of the laws was followed by Jesus, our author thinks (see below). מרור was not used by Jesus because the Sadducees, whom he followed, interpreted על מררים (*ibid.*) to mean 'wine'.⁶ As Book of Jubilees does not mention the use of מרור, its author must needs be a Sadducee (pp. 206-11)!

Pp. 212, 239. Book of Jubilees 21. 17 is, as is evident from the context, only a further admonition to obey the law (Lev. 17. 13) to cover all blood. That Book of Jubilees prohibited also the blood of locusts and fish, as our author thinks (*loc. cit.*), is unlikely. See Kohler, *American Journal of Theology*, 1911, 427.⁷

The *Testaments of the Twelve Patriarchs*, too, is of Sadducean origin, according to our author (pp. 237-53). The *Testaments* are, our author believes, a call for peace by the Sadducees to the Pharisees. The original author of the *Testaments* exalted the priests and expected a Messiah of the tribe of Levi (Reuben 6. 7-13; Levi 8. 14; 18. 2 ff.). It was interpolated by a Pharisee,

⁶ It is interesting to note that neither is unleavened bread mentioned as having been eaten at the last supper of Jesus. This is in accordance with tradition. Mekilta, B. 6; see Chwolson, *Das letzte Passamahl*, 55: מצה ומרור אין מעבכין את הפסח.

⁷ Nor did all the Karaites prohibit it. See M. Lorge, *Speisegesetze der Karäer*, Berlin, 1907, 16; comp. also *Mibhar*, Lev. 12 a. Ginzberg, *MGWJ.*, LVI (1912), 556, end, is to be corrected accordingly.

who denounces the state of affairs under the later Maccabees, and looks for a Messiah from the house of Judah (Judah 24. 5, 6). But is the expectation of a *priestly* Messiah sufficient to prove the Sadducean authorship of the *Testaments*? Whether the Davidic origin of the Messiah was a distinctly Pharisaic doctrine, and whether the Sadducees shared the belief in a Messiah or taught his priestly origin, are still open questions. In general, the idea of an individual Messiah does not loom very large in the Apocrypha of the Old Testament. Ecclesiasticus, Judith, Tobit, Baruch, 2 Maccabees and Wisdom of Solomon do not mention the belief in an individual Messiah (1 Macc. refers only in a general way to the promise given to David). It is possible that during the ascendancy of the Maccabees, with whom the Sadducees were allied, the expectation of a priestly Messiah was taught by some of the latter. The Davidic or priestly origin of the Messiah is, therefore, hardly a criterion by which to determine the leanings of an author of that period. Leszynsky also ignores the fact that resurrection of the body, a distinctly *Pharisaic* doctrine, is taught in the *Testaments* (Benjamin 10. 6-8), and that many of the allusions and references in the *Testaments* are unintelligible without the knowledge of Talmud and Midrash. Its demonology, e. g. Beliar, is certainly not of Sadducean origin. Nor is its advocacy of temperance and total abstinence (Judah 14. 1-3; 16. 2-3, and elsewhere) a Sadducean teaching. See Josephus, *Ant.*, XIII, 10, 6; XVIII, 1, 4; *Abot di R. Nathan*, ch. 5, version A, ed. Schechter, p. 26. To ascribe, therefore, the *Testaments of the Twelve Patriarchs* and their lofty teachings to the Sadducees is entirely unjustifiable.

1 Enoch is also, according to our author, a Sadducean work (pp. 253-67), the purpose of which was to bring about a change in the calendar from a lunar to a solar year. The calendar is the point around which most Jewish heresies revolve. The calendar of 1 Enoch is even more complex than that of the Book of Jubilees (see Geiger, *Jüd. Zeitsch. für Leben u. Wissenschaft*, III (1864-5), 201-3; Epstein, *מקדמוניות מיהודים*, 8). But, as stated above, what proof is there that the Sadducees advocated

a solar year? Part V of 1 Enoch is distinctly Pharisaic (p. 262 ff.). It is now the generally accepted view that 1 Enoch is composed of several originally independent books, and is 'the remnant of a large literature which once revolved around Enoch'. We, therefore, find in it conflicting views concerning the Messiah, final judgement, resurrection, and future life. Moreover, resurrection of the body, an anti-Sadducean doctrine, is taught throughout the 1 Enoch (e.g. 51. 1). To ascribe it to a Sadducean author because of its opposition to the established lunar calendar is, therefore, entirely unjustifiable.

Assumption of Moses is also a Sadducean work, according to our author (pp. 267-75). It is hard to understand why the author believes (p. 269) that Assumption 5. 4 is directed against the Pharisees. 'Who are not priests but slaves' in this verse refers, as was already pointed out by F. Rosenthal, *Vier apokryphische Bücher*, Leipzig, 1885, 38, most likely to Menelaus. The hostility of the author of *Assumption of Moses* to the Maccabees (6. 1 b) is sufficient proof that he was *not* a Sadducee. I fail to find 'These are their teachers' quoted by our author (*loc. cit.*). Do not the words 'They shall assuredly work iniquities in the holy of holies' (*loc. cit.*; see *ibid.*, p. 270) refer to the later Maccabees?

According to Leszynsky, Jesus too was a Sadducee. Like the latter, he fully recognized the validity of the Biblical laws, but rejected *in toto* the Oral Law, the work of the Pharisees. He, therefore, rejected the Pharisaic laws of נטילת ידים (Mark 7. 5 and parallels) and prayer (*ibid.* 12. 40 and parallels). Of the story containing the rejection by Jesus of the *Biblical* laws concerning forbidden food (Mark 7. 14-23 and parallels), only ver. 15 is, according to Leszynsky, the authentic utterance of Jesus. By 'what goes out from your mouth makes unclean' Jesus meant bathing after עשיית צרכיו (pp. 228-91)! Our author refers to several unimportant parallels between the sayings of Jesus and the *Zadokite Fragments* as proof that Jesus followed the Sadducees. But the Sadducean origin of these *Fragments* is still to be proved (see above). The contradictory statements in the Synoptic Gospels concerning many of Jesus' utterances and actions make it possible

to attribute to Jesus, with an equal degree of plausibility, diametrically opposite views. But how does Leszynsky explain the fact that Jesus accepted the anti-Sadducean doctrine of resurrection of the body and in many ways antagonized the Sadducees (Mark 12. 18 ff. and parallels)? The trial and sentence of Jesus was brought about, according to Luke 22. 66 ff. and parallels, by the priestly authorities and by the Sanhedrin which was then in the hands of the *Sadducees*, the high priest Caiaphas and his followers. On the other hand, Jesus ate at the house of a Pharisee (Luke 7. 36), and was warned by a Pharisee of the danger that menaced him (*ibid.* 13. 31). R. Gamaliel, a Pharisee, indeed, defended the Apostles *against the Sadducees* (Acts 23. 35 ff.). In 58 c. E. *Pharisaic* scholars defended Paul against the *Sadducees* (Acts 23. 9), and four years later a deputation of *Pharisaic* scholars complained to Agrippa II of James's execution (Josephus, *Ant.*, XX, 9, 1). Moreover, it is now generally conceded that the strictures of Jesus (Matt. 23. 2 ff.) were directed against a certain class of Pharisees whose hypocrisy is attacked as vigorously in the Talmud as by Jesus himself, and that *later* views concerning the Pharisees, coloured statements about the life of Jesus, caused the substitution of 'Pharisee' for 'scribe' in several of the sayings of Jesus. The view of Leszynsky, therefore, concerning the relation of Jesus to the Sadducees and the Pharisees will hardly be accepted by New Testament scholars. Our author believes that Jesus in prohibiting divorce except in case of adultery (Matt. 5. 31 ff.; 19. 3 ff.; according to Mark 10. 11 he prohibited divorce absolutely) follows the Sadducees. But where is the proof that the Sadducees prohibit divorce?⁸

Few of the many hypotheses of Leszynsky carry conviction.

⁸ Nor is it likely that Jesus derived this view from Deut. 24. 1, taking ערוה רב to mean adultery (p. 294). Leszynsky contends that the early followers of Jesus were Sadducees, and that many laws of the early Church, e. g. the celebration of Pentecost on Sabbath and the prohibition against marrying a niece, go back to Sadducean views (pp. 298, 301-2). This was already suggested by Chwolson, *Beiträge zur Entwicklungsgeschichte des Judenthums*, Leipzig, 1910, 10 ff., but the proof is still lacking.

Thus few will agree with him that the Pharisees received this designation by their method of interpreting the Law (פרש = 'to interpret'; 27 ff.; 107); that נצוק means 'honey' (38 ff.); על מררים in Exod. 12. 8 = 'wine' (207 ff.); לסמוך in the famous Mishnah Hagigah 2. 2 refers to the support of traditional laws by references and אסמכתות from the Bible. The work, however, contains many interesting and stimulating suggestions, and shows erudition and a wide acquaintance with the Apocryphal literature. The style throughout is attractive and forcible. The index and table of contents at the end of the book are useful. The author also devotes a few pages to inconsequential criticism of Prof. Ginzberg's interpretation of several passages of the *Fragments of a Zadokite Work* which appeared in the *MGWJ.*, 1911.

The results which were obtained by the author in this large work were embodied by him in a small popular volume, 'Pharisäer und Sadduzäer' (*Volksschriften über die Jüdische Religion*, hgb. von J. Ziegler, 1. Jahrg., 2. Heft), Frankfurt a. M.: J. Kauffmann, 1912, pp. 70. Noteworthy in this little work is the author's spirited defence of Pharisaism (pp. 7, 69).

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